

WILKINSON ) BARKER ) KNAUER ) LLP

2300 N STREET, NW  
SUITE 700  
WASHINGTON, DC 20037  
TEL 202.783.4141  
FAX 202.783.5851  
WWW.WBKLaw.COM

PHILLIP R. MARCHESIELLO  
202.383.3343  
PMARCHESIELLO@WBKLAW.COM

June 14, 2011

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th street SW  
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation, WC Docket No. 09-144  
Securus Technologies, Inc., Petition for Declaratory Ruling

Dear Ms. Dortch:

On June 10, 2011, Timothy Meade, President of Millicorp; Donovan Osborne, Communications Director of Millicorp; and the undersigned, of Wilkinson Barker Knauer, LLP met with Margaret McCarthy, Wireline Policy Advisor to Commissioner Michael J. Copps, to discuss Millicorp's positions with respect to the issues under consideration in WC Docket No. 09-144. The substance of the presentation by Millicorp was limited to the matters set forth in the attached PowerPoint, which was provided to Ms. McCarthy during the meeting.

This disclosure is made in compliance with 47 C.P.R. §§1.1206(a)(3) and (b)(2). Please direct any questions to the undersigned

Sincerely,

/s/ Phil Marchesiello

Phil Marchesiello  
Counsel to Millicorp

cc: Margaret McCarthy

# Millicorp, LLC

## *ConsCallHome.com*



Presentation to the  
Federal Communications Commission

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## **Millicorp's lines of business**

- ConsCallHome.com**
- Millitalk, Millifax**
- Fractel**
- Habilitation House partnership with  
Correction Concepts Incorporated**



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# ConsCallHome.com

- Subscription service serving friends and family members of inmates
- Telephone numbers local to prison facilities assigned to CCH subscribers
- Inmates call CCH-assigned local telephone numbers using prison facilities' existing ICS platforms
- Inmates are charged local ICS rates and thereby avoid ICS providers' exorbitant long-distance ICS charges
- Calls terminated by Millicorp to CCH subscribers using standard VoIP technology



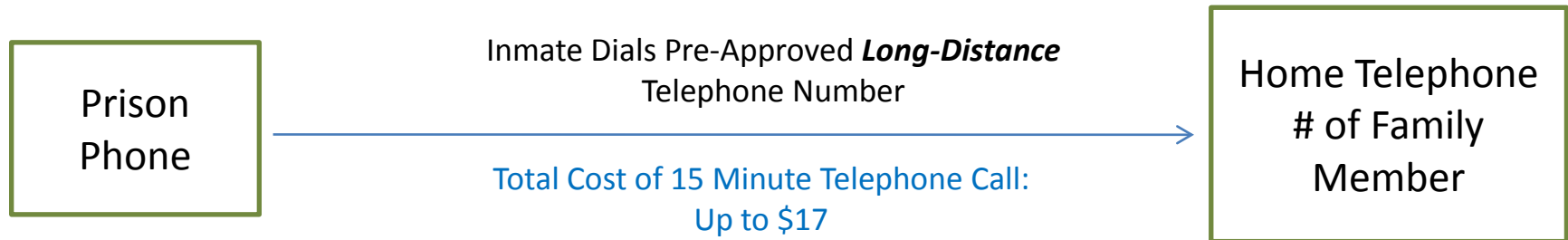
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# ICS Cost Comparison

## ICS Long-Distance Call



## ICS Local Call via Millicorp



Approximate Total Cost of 15 Minute Phone Call: \$5



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## Call blocking by ICS providers (Securus and GTL)

- If ICS providers are able to identify an inmate call to a CCH-assigned local number, the ICS provider blocks the call
- If CCH customers complain to ICS providers about call blocking, ICS providers often state that it is a felony to use Millicorp's CCH service
- ICS providers regularly refer to Millicorp as illegal, fraudulent, illegitimate, and prohibited by the FCC
- ICS providers have begun directly calling local numbers called by inmates to determine whether the call recipient is a Millicorp CCH customer



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# Impact of call blocking by ICS providers

- Millicorp receives daily complaints from its CCH subscribers about ICS providers' call blocking activities
- Millicorp's CCH subscribers often cancel service due to ICS call blocking
- As a result
  - Inmates and their friends and families are prevented from benefiting from ability of VoIP technology to substantially reduce ICS rates
  - Communications between inmates and their friends and families is dramatically reduced, which can increase recidivism and hamper rehabilitation



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# Millicorp's efforts to prevent call blocking

- Millicorp filed a complaint with the Enforcement Bureau about call blocking by ICS providers on July 15, 2009
  - No action has been taken by the FCC to date
- Millicorp filed a lawsuit in October 2009 in Florida federal court claiming violations of Section 201 of the Communications Act, commercial torts, and violation of state consumer protection laws
  - The court dismissed the suit without prejudice in April 2010 stating that the underlying matter is best resolved by the FCC



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# Securus Petition for Declaratory Ruling

- Filed on July 24, 2009 seeking FCC determination that call blocking by ICS providers is permissible
  - WC Docket No. 09-144
  - More than 150 filings in the proceeding by ICS providers, prison advocacy groups, state corrections, and the general public
  - No significant action in the docket since June 2010
- Despite lack of action by the FCC to date, ICS providers continue to practice self help by blocking inmate calls to CCH subscribers



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# Blocking of inmate calls to CCH subscribers by ICS providers is impermissible

- **Common carriers are prohibited from unreasonably blocking calls absent an express FCC exception to this general rule**
  - “[T]he Commission previously has found that call blocking is an unjust and unreasonable practice under section 201(b) of the Act. Specifically, Commission precedent provides that no carriers . . . may block, choke, reduce or restrict traffic in any way.”
  - “Because the ubiquity and reliability of the nation's telecommunications network is of paramount importance to the explicit goals of the Communications Act of 1934, as amended, . . . we reiterate here that Commission precedent does not permit unreasonable call blocking by carriers.”
  - *Establishing Just and Reasonable Rates for Local Exchange Carriers, Call Blocking by Carriers, Declaratory Ruling and Order, 22 FCC Rcd 11629 (WCB 2009).*



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# Blocking of inmate calls to CCH subscribers by ICS providers is impermissible

- **Call blocking is a violation of Section 201(b) of the Communications Act**
  - “All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful . . .”
- **Call blocking is a violation of Section 201(a) of the Communications Act**
  - “[I]t shall be the duty of every common carrier ... to furnish such communication service upon reasonable request thereof.”

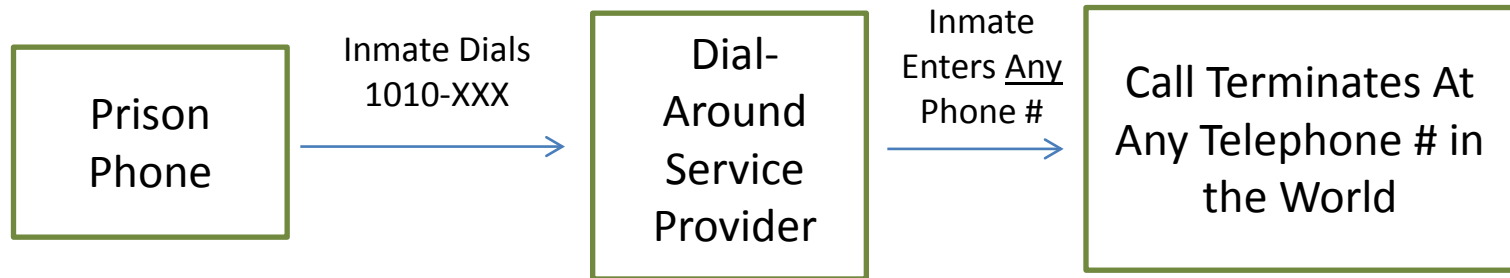


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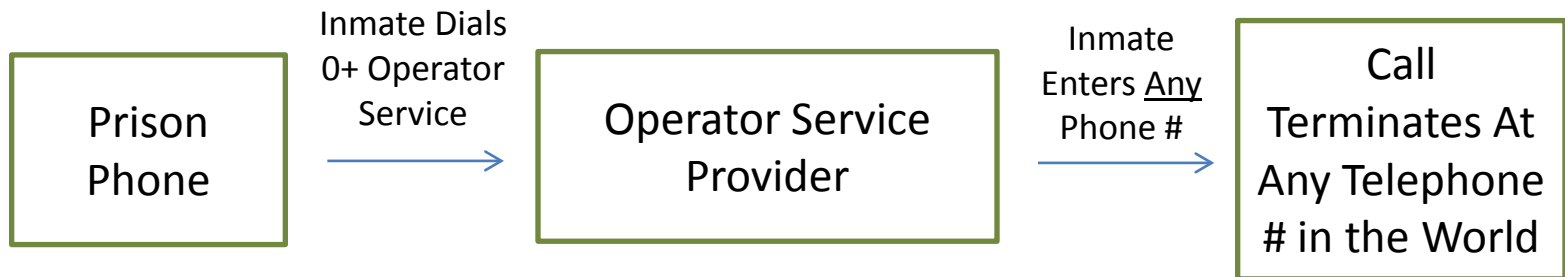
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# Permissible Call Blocking Dial Around



## Operator Service Provider

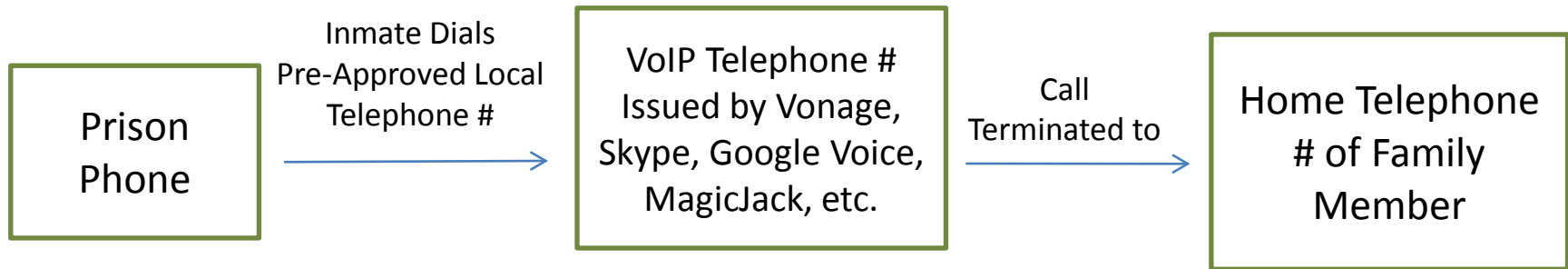


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# Impermissible Call Blocking

## IP-Based Telephone Service Providers Not Blocked by Securus



## Local Call via Millicorp



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# ICS providers' security arguments are untenable

- Call blocking is intended to prevent unwanted calls to judges, witnesses, prosecutors, etc. By contrast, all CCH subscribers desire to receive inmate calls
- All inmate calls still routed through secure ICS call platform
- ICS providers currently cannot identify inmate call recipient and often do not know who the telephone number is assigned to or where the call recipient is located
- Millicorp ensures that telephone numbers assigned to CCH subscribers are available in reverse directories and actively cooperates with law enforcement when requested
- ICS providers only focus on local calls and do not address alleged security concerns with respect to long-distance calls



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# The FCC should deny the Securus Petition

- ICS Providers should not have unfettered discretion to unilaterally block inmate calls when doing so is in their financial interest
- The FCC should clarify that existing inmate call blocking exemptions do not permit blocking of all IP-based telephone services
- ICS providers should be prohibited from discriminating against inmate-focused IP-based telephone services
- If the FCC determines additional call blocking prohibition exceptions are warranted, the FCC should adopt bright line rules



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